

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Ron J. Laby on 30 March 2009.

The application has been amended as follows:

At claim 20, line 4, "of claim 1" has been deleted.

At claim 22, line 3, the second instance of the phrase "of claim 1" has been deleted.

2. The Examiner had contacted Applicant's representative Ron J. Laby on 18 March to indicate that withdrawn claims 20 and 22 would be eligible for rejoinder if rewritten in proper dependent form. The Amendment filed 27 March 2009 has addressed the issue of dependency therefore said claims have been rejoined as directed to a method of using the elected, allowable product claim(s).

3. Applicants' representative approved the amendment to correct matters of form.

4. The following is an examiner's statement of reasons for allowance: The rejection under 35 U.S.C. 103(a) has been withdrawn in view of Applicants' evidence filed on 14 January 2009 of a substantive showing of unexpected results (Ye *et al* 2008, inventor) as asserted in the application as filed.

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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David H. Kruse, Ph.D. whose telephone number is (571) 272-0799. The examiner can normally be reached on Monday to Friday from 8:00 a.m. to 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anne Marie Grunberg can be reached at (571) 272-0975. The central FAX number for official correspondence is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group Receptionist whose telephone number is (571) 272-1600.

/David H Kruse/  
Primary Examiner, Art Unit 1638  
30 March 2009